

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re:

Chesapeake Television Licensee, LLC

Docket No. 13-181

Petition for Special Relief for Waiver of
Section 76.92(f) & 76.106(a) of the
Commission's Rules

CSR-8818-N

OPPOSITION OF HOWARD COUNTY, MARYLAND

Pursuant to 47 C.F.R. § 76.7, Howard County, Maryland hereby opposes the petition for special relief ("Petition") filed by Chesapeake Television Licensee, LLC ("Petitioner") in the above-captioned proceeding.

Howard County, as the representative of the unincorporated communities of Columbia and Ellicott City, has a strong interest in the outcome of this proceeding, in which Petitioner seeks a waiver of the "significantly viewed" status of the Washington, D.C. Fox television station, WTTG in those communities. Columbia and Ellicott City are not "Baltimore-centric," as characterized in the Petition, but are centrally located between Baltimore and Washington, D.C. and, like Howard County, are home to tens of thousands of residents who work in Washington, D.C. and have strong ties to the region.¹ Indeed, both Howard County and Washington, D.C. are

¹ See Map of Howard County Regional Location at <http://data.howardcountymd.gov/mapgallery/misc/HoCoRegional.pdf> (last visited on July 31, 2013); Map of Howard County by Zip Code at <http://data.howardcountymd.gov/mapgallery/misc/Zipcodes8X11.pdf> (last visited on July 31, 2013).

members of the Washington-Baltimore-Arlington Combined Statistical Area based on shared cultural and economic ties.² If the Commission grants the Petition, certain programming on WTTG, including coverage of news, traffic, and other public and cultural events and affairs, will be blacked out, not only for residents of Columbia and Ellicott City, but potentially throughout Howard County. Given Howard County's unique location, ties to the Washington, D.C. region, and membership in the Washington-Baltimore-Arlington Combined Statistical Area, as well as the Petition's failure to meet the required legal standard,³ Howard County respectfully requests that the Commission deny the Petition. Howard County offers the following additional facts in further support of this Opposition:

1. Petitioner relies on an insignificant and outdated Neilson data in support of its Petition. The petitioned zip codes of 21044, 21045, and 21046 in Columbia have a population of 95,072, representing 38,249 households; while zip codes 21042 and 21043 in Ellicott City have a population of 82,322, representing 28,780 households.⁴ The sample size of the Petition for Columbia is 3 households in 2007 and 3 households in 2008; and for Ellicott City, the sample size is 12 households in 2007 and 7 households in 2008.

2. Tens of thousands of Howard County residents commute daily to the Washington, D.C. region and require access to Washington D.C. news and traffic coverage. According to the

² See OMB Bulletin No. 13-01, Feb. 28, 2013 at Appendix pp. 2-3, 111 <http://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b13-01.pdf> (last viewed on July 31, 2013).

³ The deficiencies of the Petition are described in the Opposition of Anne Arundel County, Maryland and apply with equal force to Columbia and Ellicott City.

⁴ The population figures for the Columbia and Ellicott City zip codes can be found at <http://www.usa.com/> (last accessed on July 31, 2013).

Fort Meade Regional Growth Committee analysis of 2010 Census data, Howard County residents commute to Washington in the following numbers: 13,652 to Prince George's County; 13,982 to Montgomery County; 9,977 to the District of Columbia; and 4,373 to Northern Virginia.⁵

3. Howard County residents' strong interest in Washington, D.C. stations is evidenced by the fact that the significantly viewed list includes more Washington, D.C. stations than Baltimore stations. There are five Washington, D.C. stations on the list and only four Baltimore stations.⁶

4. The Commission maintains a list of registered cable communities,⁷ and has previously observed that "[d]ue to the localized nature of cable systems, cable communities were easily defined by the geographic boundaries of a given cable system, which were often, but not always, coincident with a municipal boundary and varied as determined on a case-by-case

⁵ See attached Exhibit depicting commuter flow from Howard County to surrounding jurisdictions. The category "Other" represents commuter flow from Howard County to Northern Virginia. The Fort Meade Regional Growth Committee was created by the Anne Arundel County Executive in March 2007 (Executive Order no. 18). The Committee is working with the Office of Economic Adjustment of the U.S. Department of Defense and Fort George G. Meade to oversee the development of a regional growth management strategy to address the relocation schedule. The Committee is monitoring and managing needed infrastructure and growth issues, such as housing availability, utilities, public services, and education. See Maryland Manual Online at <http://msa.maryland.gov/msa/mdmanual/35interc/02fort.html> (last visited on July 30, 2013).

⁶ See Commission's Significantly Viewed TV Stations List at <http://transition.fcc.gov/mb/significantviewedstations062813.pdf> at p. 184 (last viewed on July 31, 2013).

⁷ The current list is available here: <http://www.fcc.gov/encyclopedia/cable-communities-registered-fcc> (last accessed on July 28, 2013).

basis.”⁸ Because Howard County has no incorporated communities, it likely falls within the exception noted by the Commission, that is, its cable systems are not coincident with municipal boundaries. Accordingly, even if the Petition is granted with respect to Columbia and Ellicott City only – giving Petitioner the right to enforce its network non-duplication and syndicated exclusivity rights against WTTG only in those areas – limiting blackouts to Columbia and Ellicott City will be difficult if not impossible and will potentially impact the County’s almost three-hundred thousand residents.⁹

For all of the above reasons, the County respectfully requests that the Commission deny the Petition.

Respectfully submitted,

MARGARET ANN NOLAN
County Solicitor



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Counsel for Howard County, Maryland

⁸ *In the Matter of Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004; Implementation of Section 340 of the Communications Act*, MB Docket No. 05-49, Report and Order, (rel. Nov. 3, 2005), ¶ 44 (citations omitted).

⁹ Howard County’s population is taken from the U.S. Census Bureau’s Maryland QuickFacts webpage available at <http://quickfacts.census.gov/qfd/states/24/24027.html> (last visited on July 31, 2013).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2013, a copy of the foregoing

Opposition of Howard County, Maryland was mailed, first class, postage prepaid, to:

RCN Corporation
President Plaza, Bldg. 1
196 Van Buren Street
Suite 300
Herndon, VA 20170

Armstrong Cable Services
One Armstrong Place
Butler, PA 16001

Atlantic Broadband
330 Drummer Drive
Grasonville, MD 21638

Easton Cable
Attn: William D. Russell
Cable & Communications Dept. Manager
201 N. Washington Street
Easton, MD 21601

Regional Office for Maryland
406 Headquarters Drive
Suite 201
Millersville, MD 21108

Broadstripe
13455 Noel Road
Suite 1310
Dallas, TX 75240

MetroCast Communications
233 Colonial Avenue
Colonial Beach, VA 22443

MetroCast Communications
43920 Airport View Drive
Hollywood, MD 20636

Verizon
1320 North Courthouse Road
9th Floor
Arlington, VA 22201

MetroCast Communications
11387 Ridge Road
King George, VA 22485-4048

Citizens Telephone Coop.
201 East Main Street
Suite 5
Floyd, VA 24091-0159

Cox Communications
1400 Lake Hearn Drive
Atlanta, GA 30319

Mayor's Office
Government of the City of Annapolis
160 Duke of Gloucester
Annapolis, MD 21401

Laura Neuman
County Executive
The Arundel Center
44 Calvert Street
Annapolis, MD 21404-1831

WJLA-TV
ACC Licensee, LLC
c/o WCIV
888 Allbritton Boulevard
Mount Pleasant, SC 29464

Bel Air Town Administrator
39 N. Hickory Avenue
Bel Air, MD 21014

WFDC-DT
Telefutura D.C. LLC
5999 Center Drive
Suite 4083
Los Angeles, CA 90045

WUSA
Detroit Free Press, Inc.
c/o Gannett Co., Inc.
7950 Jones Branch Drive
McLean, VA 22107

WZDC-CA
ONDA Capital, Inc.
2000 North 14th Street
Suite 400
Arlington, VA 22201

WNVC
Commonwealth Public Broadcasting
Corporation
8101 A Lee Highway
Falls Church, VA 22042

WFPT
Maryland Public Broadcasting Commission
11767 Owings Mills Boulevard
Owings Mills, MD 21117

WETA-TV
Greater Washington Education
Telecommunications Assn.
2775 South Quincy Street
Arlington, VA 22206

WHUT-TV
Howard Universtiy
2222 4th Street, N.W.
Washington, D.C. 20059

WDCA
FOX Television Stations, Inc.
c/o Dianne Smith
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016

WMDO-CA
Entravision Holdings, LLC
2425 Olympic Boulevard
Suite 6000 W
Santa Monica, CA 90404-4030

WJZ-TV
CBS Corporation
1800 K Street, N.W.
Suite 920
Washington, D.C. 20006

WMPB
Maryland Public Broadcasting Commission
11767 Owings Mills Boulevard
Owings Mills, MD 21117

WNUV
Baltimore (WNUV-TV) Licensee, Inc.
2000 West 41st Street
Baltimore, MD 21211

WNVT
Commonwealth Public Broadcasting
Corporation
8101 A Lee Highway
Falls Church, VA 22042

WPXW-TV
ION Media Washington License, Inc.
601 Clearwater Park Road
West Palm Beach, FL 33401

WTTG
FOX Television Stations, Inc.
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016

WBAL-TV 11
3800 Hooper Avenue
Baltimore, MD 21211

WMJF-LP
Towson University
c/o WMJF, Department of Electronic
Media & Film
Towson, MD 21252-0001

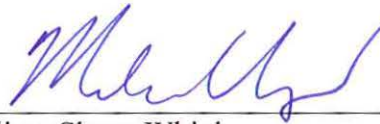
WMAR-TV
Scripps Media, Inc.
312 Walnut Street
28th Floor
Cincinnati, OH 45202-4067

WMPT
Maryland Public Broadcasting Commission
11767 Owings Mills Boulevard
Owings Mills, MD 21117

WUTB
Fox Television Stations, Inc.
444 N. Capitol Street, NW, Suite 740
c/o Dianne Smith
Washington, D.C. 20001

FOX Television Stations, Inc.
Attn: Joseph M. DiScipio
444 North Capitol Street, NW
Suite 740
Washington, D.C. 20001

Clifford M. Harrington, Esquire
Paul A. Cicelski, Esquire
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037



Melissa Shane Whipkey
Assistant County Solicitor

Commuter Flow From / To Howard County

Significant opportunity for peak period, multi-occupant transportation

DAILY COMMUTER FLOW			
From HOWARD	To / From	To HOWARD	Total
11,922	Balt County	23,385	35,307
15,432	Anne Arundel	17,708	33,140
15,907	Balt City	10,213	26,120
13,652	Prince George's	7,071	20,723
13,982	Montgomery	5,602	19,584
9,977	DC	518	10,495
1,044	Carroll	8,015	9,059
944	Frederick	1,646	2,590
287	Harford	567	854
84	Queen Anne's / Talbot	452	536
4,373	Other	2,276	6,649
87,604	Sub-total	77,453	165,057
58,824	Howard	58,824	58,824
146,428	Total	136,277	223,881

